

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
NE/S Thoroughbred Lane, 320' SE
of the c/l of Quarterhouse Circ. • ZONING COMMISSIONER
(3820 Thoroughbred Lane) • OF BALTIMORE COUNTY
4th Election District
3rd Councilmanic District • Case No. 91-357-A
A. Samuel Kurland, et ux
Petitioners •

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 40 feet in lieu of the required 50 feet, a side yard setback of 18 feet in lieu of the required 50 feet, and to amend the last approved Final Development Plan of Worthington, for a proposed two-story addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9/1/91 day of May, 1991 that the Petition for Residential Variance to permit a rear yard setback of 40 feet in lieu of the required 50 feet, a side yard setback of 48 feet in lieu of the required 50 feet, and to amend the last approved Final Development Plan of Worthington, for a proposed two-story addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments. The subject dwelling shall contain only one kitchen.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 21, 1991

Mr. & Mrs. A. Samuel Kurland
3820 Thoroughbred Lane
Owings Mills, Maryland 21117

RE: PETITION FOR RESIDENTIAL VARIANCE
NE/S Thoroughbred Lane, 320' SE of the c/l of Quarterhouse Circle
(3820 Thoroughbred Lane)
4th Election District - 3rd Councilmanic District
A. Samuel Kurland, et ux - Petitioners
Case No. 91-357-A

Dear Mr. & Mrs. Kurland:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-357-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1A-04-3-B-3 to permit 40 ft rear setback in lieu of 50 ft
to permit 48 ft side setback in lieu of 50 ft
AND TO AMEND THE LAST APPROVED FINAL DEVELOPMENT PLAN OF WORTHINGTON
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason:
(Indicate hardship or practical difficulty)

To meet present zoning requirements would reduce size of addition so that it would be impracticable to construct, also the present house has only two bedrooms and we need additional family space. To change the design of the building to another shape will cause us to close windows and will affect the rear exit.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City/State/Zip Code
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City/State/Zip Code
Attorney's telephone number

Legal Owner(s):
(Type or Print Name)
Signature
Address
City/State/Zip Code
Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
Raymond F. Ritter Rep
Name
Address
455-0007

ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be posted on the property on or before the _____ day of _____, 19____.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,
IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock, _____ A.M.

ORDER RECEIVED FOR FILING
Date 5/3/91
By [Signature]
ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-357-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently or upon settlement will reside at _____
3820 Thoroughbred Lane Owings Mill Md.
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

if we need to reduce the size of addition to meet the present rear setback of 50 ft it will make the addition impracticable to construct also there is no other feasible way to redesign the addition due to the configuration of existing building

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

A. Samuel Kurland
AFFIANT (Handwritten Signature)
A. Samuel Kurland
AFFIANT (Printed Name)
Marlene Bane
AFFIANT (Handwritten Signature)
Marlene Bane
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4 day of MARCH, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared SAMUEL A. KURLAND + MARLENE BANE

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

3-4-91
DATE
My Commission Expires: 2/12/92

ZONING DESCRIPTION

Beginning at a point on the Northside of Thoroughbred lane which is sixty (60) feet wide at the distance of 315.36 ft East of the centerline of the nearest improved intersecting street (quarterhorse Court) Which is 22 ft. wide Being lot No. 65 in the subdivision of " Worthington " as recorded in Baltimore County Plat Book # 38 Folio # 15 containing 44,389 s.f. Also known as 3820 Thoroughbred Lane and located in the 4 election district

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4 Date of Posting: 2-15-91
Posted for: Residential Zoning Variance
Petitioner: A. Samuel Kurland + Marlene Bane
Location of property: 3820 Thoroughbred Lane, Owings Mills, Maryland 21117
Location of Signs: at intersection of Thoroughbred Lane and Quarterhorse Court
Remarks: _____
Posted by: [Signature] Date of return: 2-15-91
Number of Signs: 2

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

DATE: _____
PUBLIC HEARING FEES 01 PRICE
110 - ZONING VARIANCE (FRL) 1 X \$35.00
080 - POSTING SIGNS / ADVERTISING 1 X \$25.00
TOTAL: \$60.00
LAST NAME OF OWNER: KURLAND

Please Make Checks Payable To: Baltimore County
04A04ND0901CHRC
0011127AND03-21-91

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 28, 1991

A. Samuel Kurland and Marlene Bane
3820 Thoroughbred Lane
Owings Mills, Maryland 21117

Re: CASE NUMBER: 91-357-A
LOCATION: NE/S Thoroughbred Lane, 320' SE of c/l Quarterhouse Court
3820 Thoroughbred Lane

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a referee regarding the administrative process.

1) Your property will be posted on or before April 3, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is April 18, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the posting of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
G. G. Stephens
(301) 887-3391

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 8, 1991

Mr. & Mrs. A. Samuel Kurland
3820 Thoroughbred Lane
Owings Mill, MD 21117

RE: Item No. 351, Case No. 91-357-A
Petitioner: A. Samuel Kurland, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Kurland

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
19th day of March, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: A. Samuel Kurland, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: April 8, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Key Federal Savings Bank, Item No. 186
Oliver W. Riddick, Item No. 327
Marvin West, Item No. 339
Gregory P. Garrison, Item No. 341
Daniel M. Clair, Item No. 345
William H. Robbins, Item No. 349
A. Samuel Kurland, Item No. 351
Lillian A. Williams, Item No. 360

In reference to the above-mentioned Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

MULTITE.MS/ZAC1

received
4/11/91

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5508

(301) 887-4500

MARCH 28, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: A. SAMUEL KURLAND, AND MARLENE BANE

Location: #3820 THOROUGHbred LANE

Item No.: 351 Zoning Agenda: APRIL 2, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: *John J. Kelly* 4/4/91 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

received
4/11/91

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 4, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for April 2, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 349, 350, 351, 352, 353 and 354.

For Items #9, Cycle IV (R-91-115) and 355, a County Review Group Meeting may be required for each site.

For Item 289, the site is subject to comments by the Maryland State Highway Administration.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

LIBERT 2 34 FEB 1991 16

91-357-A

This Deed, MADE THIS 8th day of August

in the year one thousand nine hundred and eighty-six by and between

CHARLES E. TOWNSEND and FRANCES S. TOWNSEND, his wife, parties of the first part, and

ALEXANDER FRIZNER and BARBARA FRIZNER, husband and wife, parties of the second part.

WITNESSETH, That in consideration of the sum of \$42,000.00, which is the actual consideration paid or to be paid, the receipt whereof is hereby acknowledged,

the said parties of the first part

STATE DEPARTMENT OF ASSESSMENTS & TAXATION

CLERK DATE 8-11-91

do grant and convey to the said parties of the second part, as tenants and entireties, their assigns, the survivor of them and the survivor's

personal representatives, successors and assigns, in fee simple, all that lot of ground situate in Baltimore County, Maryland

and described as follows, that is to say:

Beginning at the same place as a pipe previously set on the north side of Thoroughbred Lane, 60 feet wide, said point being at the division line between Lot 64 and 65, as same is shown on a plat entitled, "Worthington" and recorded among the Land Records of Baltimore County, Maryland, in Plat Book E.H.K., Jr. No. 38, folio 15, and running thence binding on the north side of Thoroughbred Lane, as shown on the aforesaid plat of Worthington, (1) by a line curving to the right with a radius of 440.00 feet, an arc length of 85.14 feet, being subtended by a chord North 52 degrees 00 minutes 11 seconds West 85.01 feet; thence by a new line of division through said Lot 65, (2) North 14 degrees 44 minutes 57 seconds East 331.08 feet to intersect a point on the North 75 degrees 15 minutes 03 seconds West 408.30 foot line of said Lot 65; and thence binding on said line, reversely to the beginning thereof, (3) South 75 degrees 15 minutes 03 seconds East 235.30 feet to a point previously set; thence binding on the aforementioned division between Lot 64 and 65, the three (3) following courses and distances, viz: (4) South 20 degrees 33 minutes 22 seconds West 213.60 feet to a pipe previously set; (5) North 86 degrees 39 minutes 12 seconds West 94.89 feet to a pipe previously set; and (6) South 32 degrees 27 minutes 14 seconds West 140.00 feet, to the place of beginning, containing 62,905 square feet, or 1.444 acres of land, more or less.

BEING the easternmost portion of Lot 65, as said lot is designated on the plat entitled, "Worthington", and recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 38, folio 15.

SEE ALSO plat delineating said lot (shown as Lot 65A) on the Plat recorded with the Deed from Worthington Heights Associates, to Leonard C. Gore and Rixey C. Gore, recorded in Liber E.H.K., Jr. No. 3861, folio 46.

8 8612*****672200:a 8112A

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

LIBERT 2 34 FEB 1991 15

LTC # 9862

This Deed, MADE THIS 1st day of July

in the year one thousand nine hundred and eighty-six by and between

Charles E. Townsend and Frances S. Townsend, his wife of the first part, and

A. Samuel Kurland and Marlene Bane of the second part.

WITNESSETH, That in consideration of the sum of One Hundred Twenty-six Thousand and no/100ths Dollars (\$126,000.00) and other good and valuable considerations, the receipt of which is hereby acknowledged;

the said parties of the first part

do grant and convey to the said parties of the second part as joint tenants and not as tenants in common, their assigns, the survivor of them and the survivor's

personal representatives, successors and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland

and described as follows, that is to say:

See Exhibit A page 1 and page 2 attached hereto and made a part hereof.

Being the same lot of ground which by deed dated December 1, 1978 and recorded among the Land Records of Baltimore County in Liber 5966, folio 865 which was granted and conveyed by Leonard C. Gore and Rixey C. Gore, his wife unto Charles E. Townsend and Frances S. Townsend, his wife.

8 AC F 33.00
8 TTX 430.00
8 DMS 430.00
DEED 2 t
ENR JR T 1333.00
RESUB C204 R21 T1072
08/12/91

91-357-A

STATE DEPARTMENT OF ASSESSMENTS & TAXATION

CLERK DATE 7-18-91

AGRICULTURAL TRANSFER TAX NOT APPLICABLE

SIGNATURE *JP* DATE 7-18-91

8 8113*****0100003 0100A

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th day of December, 1985, that the Petition for Zoning Variances to permit a side yard setback of 40 feet and a rear yard setback of 47 feet instead of the required 50 feet and Special Hearing to approve Lot 65A as a building lot and, additionally, the amendment to the Final Development Plan of Worthington to reflect Lots 65 and 65A be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. Compliance with the comments submitted by the Current Planning and Development Division, Office of Planning and Zoning.
2. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Robert W. Bowling
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Maurice Mackey, Esquire
People's Counsel

91-357-A

RECEIVED FOR FILING

DATE December 9, 1985

BY *John J. Kelly*

2 Story House 2818 Thourghbred Lane
Alexander Frizner Tax# 170000 8303
1993 = 7134/316



Petitioner
Exhibit 1

LOCATION INFORMATION

County: Chesapeake

Section: 14

Parcel: 30-226

Zoning: R.O. 5

Lot size: 1.02 46,380
acres square feet

SEWER: ☐ ☐ ☐ ☐

WATER: ☐ ☐ ☐ ☐

Chesapeake Bay Critical Area: ☐ ☐ ☐ ☐

Prior Zoning Hearings: ☐ ☐ ☐ ☐

30-226 SEPA NO NO NO NO

Zoning Office Used ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

CASE NUMBER 91-357-A



REAR LOOKING EAST



SIDE LOOKING WEST



FRONT LOOKING N.E.



REAR LOOKING SOUTH

351

PETITIONER'S EXHIBIT # 2

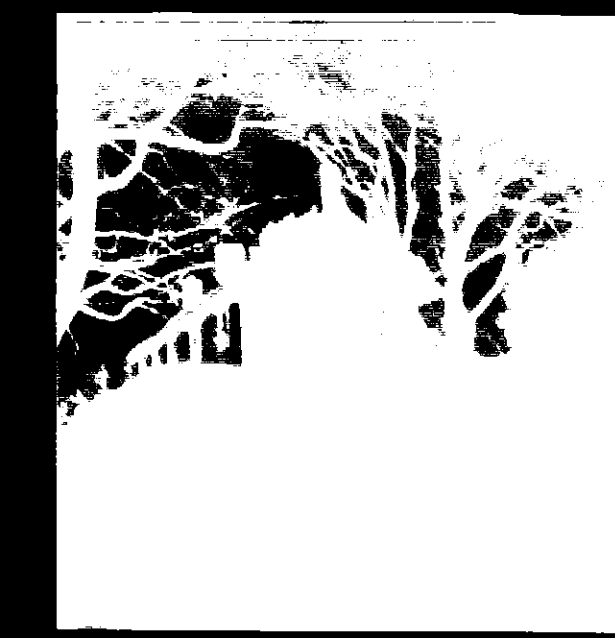
CASE NUMBER 91-357-A



Front Looking N.W



FRONT - LOCKING NORTH



SIDELOOKING N.W.

351

PETITIONER'S EXHIBIT # 3



PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

DATE OF PHOTOGRAPHY
JANUARY 1986

LOCATION
ST. GEORGE VICINITY

SHEET
91-357-A
N.W.
16-I
#351